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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UMG RECORDINGS, INC., et al.,

Plaintiffs,

vs.

RCN TELECOM SERVICES, LLC, et
al.,

Defendants.

No. 3:19-cv-17272-RK-TJB

**NOTICE OF DEFENDANTS'
APPEAL FROM AND
OBJECTIONS TO THE
MAGISTRATE JUDGE'S ORDER
OF JUNE 21, 2024**

Return Date: August 5, 2024

Oral Argument Requested

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 72(a) and Local Civil Rule 72.1(c), on **Monday, August 5, 2024, at 10:00 a.m.**, or as soon thereafter as counsel may be heard, Defendants shall appear before the Honorable Robert Kirsch at 402 East State Street, Trenton, New Jersey 08608 in Courtroom 4E or telephonically to appeal from and object to the Order of United States Magistrate Judge Tonianne J. Bongiovanni filed June 21, 2024 (ECF No. 263, the “Order”), and to seek reversal and vacation of the relevant part of said Order.

Specifically, Defendants respectfully object to and appeal from the Order to the extent it requires RCN to produce two documents identified as RCNPriv3044-45, as set forth more fully in Defendants’ accompanying Memorandum of Law, because the Order is clearly erroneous and contrary to law.

PLEASE TAKE FURTHER NOTICE that, in support of Defendants’ appeal from and objections to the Order, Defendants shall rely upon its Memorandum of Law in support, submitted concurrently herewith. A proposed order is also submitted for the Court’s consideration.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: July 8, 2024

Respectfully submitted,

/s/ Edward F. Behm, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, 2024, I caused a copy of the foregoing to be served upon all counsel of record via ECF notification

/s/ Edward F. Behm, Jr.
Edward F. Behm, Jr.